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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONNA J. BLANCETT,

Plaintiff

v.

KILOLO KIJAKAZI¹,

Acting Commissioner of Social Security,

Defendant

Case No. 1:20-CV-00253-SKO

**STIPULATION AND ORDER FOR
AWARD OF ATTORNEY'S FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT
(EAJA)**

(Doc. 28)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of NINE THOUSAND THREE HUNDRED AND FIFTY dollars and ZERO cents (\$9,350.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. sec. 2412(d).

After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the fees and expenses are subject to an offset allowed under the United States Department of the Treasury's Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v. Ratcliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's attorney. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney fees in connection with this action.

Respectfully submitted,

Date: August 2, 2021

JACQUELINE A. FORSLUND
Attorney at Law

/s/Jacqueline A. Forslund
JACQUELINE A. FORSLUND
Attorney for Plaintiff

Date: August 2, 2021

PHILIP A. TALBERT
Acting United States Attorney
DEBORAH STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

/s/Marcel Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney
*By email authorization
Attorney for Defendant

ORDER

Based upon the parties' above "Stipulation for Award of Attorney's Fees Under the Equal Access to Justice Act (EAJA)" (the "Stipulation") (Doc. 28),

IT IS HEREBY ORDERED that attorney fees in the amount of NINE THOUSAND THREE HUNDRED AND FIFTY dollars and ZERO cents (\$9,350.00) under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: August 3, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE